IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9423 of 2005

Between:

Henry Harwood, S/o Late Harry Harwood,

R/o 3-14-522, Trimulgherry, Secunderabad - 500 015.

..... PETITIONER

AND

1. The Mandal Revenue Officer, Trimulgherry Mandal,

Trimulgherry, Secunderabad.
2. District Collector, Hyderabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly in the nature of a *Writ of Mandamus* directing the 1st respondent to implement the orders of this Honourable Court passed in W.P. No. 1378 of 2003 i.e. **"to consider the application of the petitioner dated 23-12-2002 and pass appropriate orders thereon as per law as expeditiously as possible at any rate within a period of three weeks from the date of receipt of a copy of this order"** by considering the orders of the Commissioner of Land Records in proceedings No. P5/3434/81 dated 22.11.1983.

Counsel for the Petitioner: MS.G.SUDHA

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

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For directing the first respondent to implement the orders of this Honourable Court passed in W.P.No.1378 of 2003 i.e. “to consider the application of the petitioner dated 23.12.2002 and pass appropriate orders thereon as per law, as expeditiously as possible, at any rate within a period of three weeks from the date of receipt of a copy of this order” by considering the orders of the Commissioner of Land Records in proceedings No.P5/3434/81, dated 22.11.1983, the present writ petition has been filed.

2. When the matter is taken up for admission, the learned Government Pleader for Revenue represented that the present writ petition is filed to implement the orders passed in W.P.No.1378 of 2003 i.e. to consider the application of the petitioner dated 23.12.2002. The learned Government Pleader also represented that after receipt of the orders from this Court, the case was taken up for consideration and notice bearing file No.C/218/2003 dated 10.02.2003 was issued to the writ petitioner therein and to his counsel, while fixing the date of hearing on 18.02.2003. On 18.02.2003, Sri Devdas advocate on behalf of the petitioner, had appeared and informed that his senior is busy in High Court and sought adjournment and then the case was posted on 25.02.2003. On 25.02.2003, Senior advocate Sri Prabhakar had appeared and filed vakalat, written arguments and copies of certain documents and as the first respondent has advised to file some more documents, he sought time for producing the same. Again the case was adjourned to 03.03.2003. On 03.03.2003, Sri Vijay Kumar, Advocate, had appeared on behalf of Sri Prabhakar Reddy and filed some documents and sought for adjournment. Again the case was posted to 10.03.2003, 15.03.2003, 18.03.2003, 20.03.2003 and 24.03.2003. On 26.03.2003 the counsel was advised to produce the certified copy of the orders passed by the District Collector, Hyderabad District during 1952, which is a crucial document in this case, by 8.4.2003. Till 03.06.2003 neither the counsel of the petitioner nor the petitioner have produced the said crucial document. Then the first respondent therein had issued a memo dated 03.06.2003 to produce the said document. In response to the said memo, the counsel for the petitioner filed a petition on 16.07.2003 informing that he is not in a position to obtain the certified copy of the orders passed by the District Collector, Hyderabad District, dated 04.11.1952 and requested to refer the matter to the Deputy Director, Survey and Land Records. Thereafter, the case was referred to the Deputy Director, Survey and Land Records

on 17.07.2003 and the report is still awaited. Therefore, the matter is pending consideration before the first respondent. Meanwhile, the petitioner has approached this Court and filed the present writ petition.

3 . Considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the first respondent to consider the application of the petitioner dated 23.12.2002 pending before him, after calling for the records from the Deputy Director, Survey and Land Records, within a period of eight (8) weeks from the date of receipt of a copy of this order and pass appropriate orders in accordance with law.

4. Accordingly, the writ petition is disposed of at the stage of admission. No order as to costs.

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(ELIPE DHARMA RAO, J)

Date: 16.06.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer, Trimulgherry Mandal,

Trimulgherry, Secunderabad.
2. District Collector, Hyderabad District.

3. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

4. 2 CD copies

*Form-NIC-OGS/WP{**AVLR**}*